

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854

REBECCA KOVALICH and)
SUZANNE NAGELSKI,)
Plaintiffs,)
vs.)
PREFERRED PAIN MANAGEMENT)
& SPINE CARE, P.A., DR. DAVID)
SPIVEY, individually, and SHERRY)
SPIVEY, individually,)
Defendants.)

DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO MOVE,
SERVE AN ANSWER, OR
OTHERWISE PLEAD

NOW COME Defendants Preferred Pain Management & Spine Care, P.A., Dr. David Spivey and Sherry Spivey (collectively referred to as "Defendants") by and through their undersigned counsel and move this Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for an Order extending the time in which to move, serve an Answer, or otherwise plead to Plaintiffs' Complaint. In support of this Motion, Defendants state the following:

1. The Plaintiffs' Complaint was filed in the General Court of Justice for the Superior Court Division of Forsyth County on August 1, 2017, and served on Defendants on August 25, 2017. [DE # 1-1]
2. Defendants removed this matter from the Forsyth County Superior Court to this Court on September 25, 2017. [DE # 1]
3. Pursuant to Rule 81(C) of the Federal Rules of Civil Procedure, Defendants' Answer or other responsive pleading is due to be served no later than October 2, 2017. Thus,

the time allowed for Defendants to move, serve an Answer, or otherwise plead has not yet expired.

4. There is information which needs to be reviewed before the undersigned will be in a position to adequately prepare and serve responsive pleadings. Therefore, Defendants seek an additional thirty (30) days within which to move, serve an Answer, or otherwise plead to Plaintiffs' Complaint, up to and including November 1, 2017.

5. Plaintiff's counsel, Sean F. Herrmann has been consulted and has consented to a thirty (30) day extension of time for the Defendants to move, serve an Answer, or otherwise plead.

6. This Motion is filed in good faith for the reasons stated and not for purposes of delay.

WHEREFORE Defendants respectfully request that their Motion for an enlargement of time to move, serve an Answer or otherwise plead be granted, and that Defendants be allowed up to and including November 1, 2017, within which to move, serve an Answer, or otherwise plead.

Respectfully submitted this the 26th day of September, 2017.

JACKSON LEWIS P.C.

BY: /s/ Ann H. Smith
ANN H. SMITH
N.C. State Bar No. 23090
Attorneys for Defendants
3737 Glenwood Avenue, Suite 450
Raleigh, NC 27612
Telephone: (919) 760-6460
Facsimile: (919) 760-6461
Email: Ann.Smith@jacksonlewis.com

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854

REBECCA KOVALICH and)
SUZANNE NAGELSKI,)
)
Plaintiffs,)
)
vs.)
)
PREFERRED PAIN MANAGEMENT)
& SPINE CARE, P.A., DR. DAVID)
SPIVEY, individually, and SHERRY)
SPIVEY, individually,)
)
Defendants.)

**CERTIFICATE OF
SERVICE**

The undersigned certifies that on September 26, 2017, a copy of the attached *Defendants' Motion for Extension of Time to Move, Serve an Answer, or Otherwise Plead* was served on all parties to this cause by:

- Hand delivering a copy hereof to the said party addressed as follows:
- Depositing a copy hereof, postage prepaid, in the United States Mail, addressed to said party as follows:
- Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to each said party as follows:
- Telecopying a copy hereof to each said party as follows:

Sean F. Herrmann, Esq.
Van Kampen Law P.C.
315 East Worthington Avenue
Charlotte, NC 28203
sean@vankampenlaw.com
Attorney for Plaintiffs

JACKSON LEWIS P.C.

BY: /s/ Ann H. Smith
ANN H. SMITH
N.C. State Bar No. 23090
Attorneys for Defendants
3737 Glenwood Avenue, Suite 450
Raleigh, NC 27612
Telephone: (919) 760-6460
Facsimile: (919) 760-6461
Email: Ann.Smith@jacksonlewis.com

4811-5417-2241, v. 1